

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 30 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 22-50021

Plaintiff-Appellee,

D.C. No. 3:20-cr-01470-LAB-1

v.

MEMORANDUM*

ADRIANNA NICOLE RIVAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted May 16, 2023**

Before: BENNETT, MILLER, and VANDYKE, Circuit Judges.

Adrianna Nicole Rivas appeals from the district court's judgment and challenges the 60-month sentence imposed following her guilty-plea conviction for making a false statement to a government agency, in violation of 18 U.S.C. § 1001. We have jurisdiction under 28 U.S.C. § 1291, and we dismiss pursuant to the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

appeal waiver in Rivas's plea agreement.

Rivas contends that the appeal waiver is unenforceable because the government breached the plea agreement. Because the parties are familiar with the facts in this case, we do not recount them here. We have conducted a thorough review of the record and conclude the government did not breach the plea agreement. Accordingly, we enforce the appeal waiver and dismiss the appeal. *See United States v. Hernandez-Castro*, 814 F.3d 1044, 1046 (9th Cir. 2016).

All pending motions are denied.

DISMISSED.